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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/068,239

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Terrence John O'Neill

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EXAMINER

GOODWIN, JEANNE M

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

09/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/068,239

Applicant(s)

O'NEILL, TERRENCE JOHN

Examiner

Jeanne-Marguerite Goodwin

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-17, 19-29, 31-35 and 37-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-17 and 37-41 is/are allowed.
- 6) ☒ Claim(s) 7, 19-29, 31, 32, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) 8-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

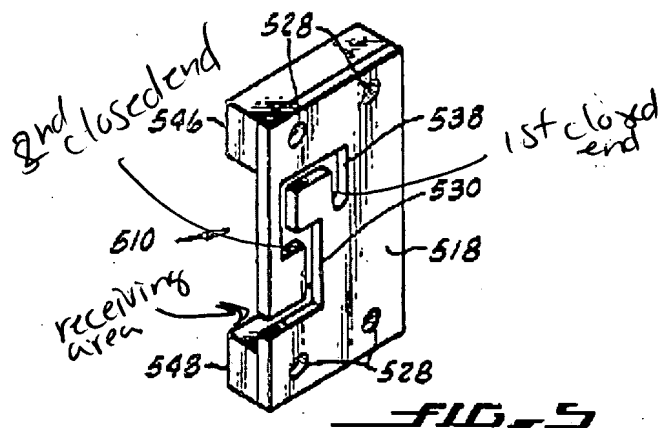
Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 19-29, 31, 32, 34, 35 rejected under 35 U.S.C. 103(a) as being unpatentable over US 4190221 to Updike.

Regarding claim 7: Updike discloses a hanger for supporting a device (col. 1, lines 25-60) a front face, the front face including a display (picture); a back face opposite the front face, the back face lying in a substantially vertical a top hanger formed on the back face, the top hanger including a substantially vertical hanger face and a nonlinear top slot formed in the hanger face, the hanger face at least partially defining a receiving area, the top slot having a substantially constant width and a first, closed end and a second, opened end, the second end opening into the top receiving area which is at least twice as wide as the top slot (see figure below).

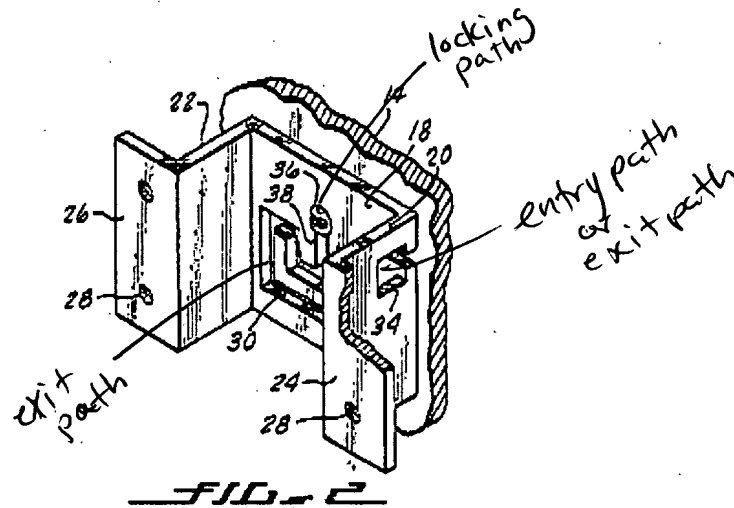


Udipke discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 7, i.e., a bottom hanger coupled to the back face and spaced apart from the top hanger. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add an additional hanger to the bottom hanger, as taught by Applicant, to the back face and spaced apart from the top hanger, in order to provide a stronger security mounting system for the device. Furthermore, since the bottom hanger is identical to the top hanger, the bottom hanger will include identical elements as that of the top hanger.

Regarding claim 19: Udipke discloses a hanger for supporting a device (picture frame 16) on a projection extending outwardly from a wall, the hanger comprising: a housing having a hanger face, the hanger face defining a substantially planar hanger face surface; and a nonlinear slot extending into the hanger face and lying in the planar hanger face surface and being engageable with the projection to secure the device to the wall, the slot defining an entry path for the projection, an exit path for the projection, and at least

Art Unit: 2833

one locking path for the projection, the locking path being different than the exit path (see figures below).



Regarding claim 20: Updike discloses a hanger of claim 19, wherein, when the projection is located in the locking path, and wherein the slot lies in the substantially vertical plane (see figure above).

Regarding claim 21: Updike discloses the hanger of claim 19, wherein the hanger face defines a substantially vertical plane, and wherein the slot lies in the substantially vertical plane (see figures above).

Regarding claim 22: Updike discloses the hanger of claim 21, wherein the projection includes a head portion, and wherein, when the projection is located in the nonlinear slot, the head portion engages a back surface of the hanger face, preventing movement of the device away from the wall in a direction substantially perpendicular to the substantially vertical plane (see figures above).

Regarding claim 23: Updike discloses the hanger of claim 19, wherein the slot has substantially constant width (see figures above).

Regarding claim 24: Updike discloses the hanger of claim 19, wherein the slot includes a first and a second end, the first end being closed and the second end opening into a receiving area, and wherein the receiving area appears to be at least twice as wide as the slot (see figures above).

Regarding claim 25: Updike discloses the hanger of claim 24, wherein the slot makes at least one change of direction of greater than 45 degrees between the first end and the second end (see figures above).

Regarding claim 26: Updike discloses the hanger of claim 19, wherein the slot includes an opened end, a first closed end, and a second closed end, and wherein the locking path extends between the first closed end and the second closed end (see Fig. 4).

Regarding claim 27: Updike discloses the hanger of claim 26, wherein the exit path extends between the first closed end and the opened end, and wherein the entry path extends between the opened end and the first closed end (see Fig. 4).

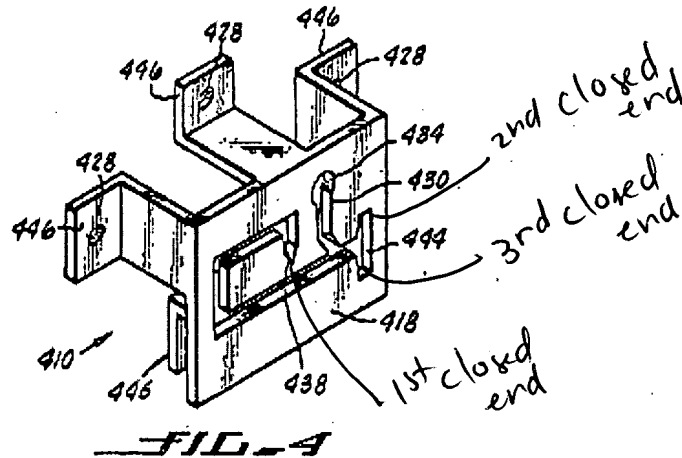
Regarding claim 28: Updike discloses the hanger of claim 19, wherein the exit path includes at least one change of direction along the nonlinear slot (see Fig. 4).

Regarding claim 29: Updike discloses the hanger of claim 28, wherein the change of direction is at least about 45 degrees (see Figs. 2 and 4).

Regarding claim 31: Updike discloses a hanger for supporting a device, the hanger comprising a housing having a face positioned substantially vertically; a nonlinear slot cut into the face, the slot having a first end and a second end, the first end being closed and the second end being opened; and slot branches diverging from the slot and terminating in closed ends, wherein the hanger is engageable with a projection extending outwardly from a wall, and wherein the slot defines an entry path for the projection, an

Art Unit: 2833

exit path for the projection, and at least one locking path for the projection, the locking path being different than the exit path (see figure below).



Regarding claim 32: Updike discloses the hanger of claim 31, wherein the slot includes a third closed end, and wherein the locking path extends between the first closed end and the third closed end (see figure above).

Regarding claim 34: Updike discloses the hanger of claim 31, wherein the exit path includes at least one change of direction along the nonlinear slot (see figure above).

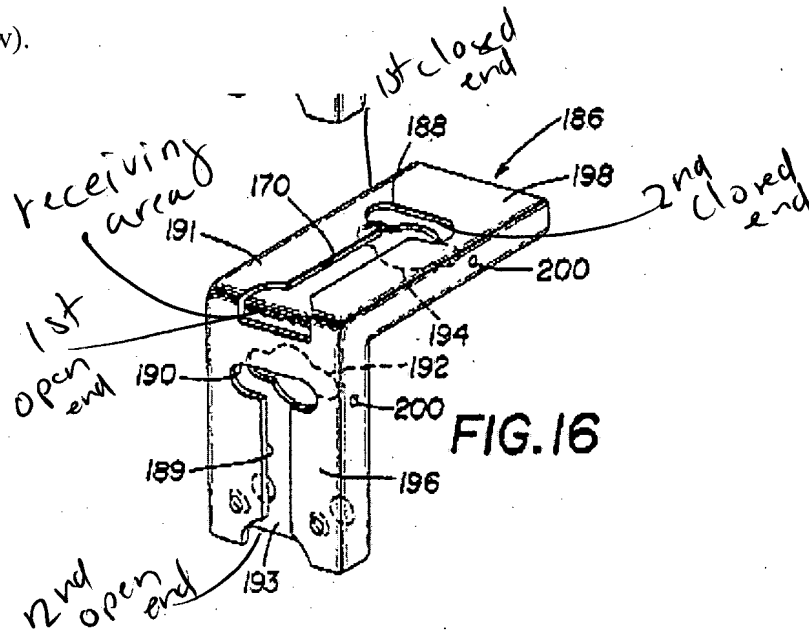
Regarding claim 35: Updike discloses the hanger of claim 34, wherein the change of direction is at least about 45 degrees (see figure above).

3. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over US 4460147 to Macbain.

Regarding claim 7: Macbain discloses a hanger for supporting a device (S) a front face, the front face including a display; a back face opposite the front face, the back face lying in a substantially vertical a top hanger formed on the back face, the top hanger

Art Unit: 2833

including a substantially vertical hanger face and a nonlinear top slot formed in the hanger face, the hanger face at least partially defining a receiving area, the top slot having a substantially constant width and a first, closed end and a second, opened end, the second end opening into the top receiving area which is at least twice as wide as the top slot (see figure below).



Macbain discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 7, i.e., a bottom hanger coupled to the back face and spaced apart from the top hanger. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add an additional hanger to the bottom hanger, as taught by Applicant, to the back face and spaced apart from the top hanger, in order to provide a stronger security mounting system for the device. Furthermore, since the bottom hanger is identical to the top hanger, the bottom hanger will include identical elements as that of the top hanger.

Art Unit: 2833

Allowable Subject Matter

4. Claims 8-13, 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 14-17 and 37-41 allowed.

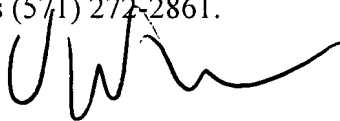
Response to Arguments

6. Applicant's arguments with respect to claims 7, 19-29, 31, 32, 34, 35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US 4473316 to Welch discloses a hanger assembly.

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.



JMG
Sept. 3, 2007

VIT MISKA
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2800